

**ANNUAL REPORT
OF THE
PROBATE CODE STUDY COMMISSION**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 2002

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2002

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PROBATE CODE STUDY COMMISSION

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY DIRECTIVE

The Indiana General Assembly enacted legislation (IC 2-5-16-12) directing the Commission to do the following:

"...study and recommend to the General Assembly needed changes in the following:

- (1) The probate code (IC 29-1).
- (2) The trust code (IC 30-4).
- (3) Other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries."

II. INTRODUCTION

In addition to the charge to the Commission found in IC 2-5-6-12, current Indiana law provides that the Legislative Council may refer any issue related to probate or trusts and fiduciaries to the Commission to study. However, the Legislative Council did not refer any issues to the Commission in 2002. The issues studied by the Commission in 2002 were referred to the Commission by the Indiana State Bar Association.

III. SUMMARY OF WORK PROGRAM

The Commission met two times during the 2002 interim session on the following dates:

- (1) September 24, 2002.
- (2) October 22, 2002.

III. COMMISSION FINDINGS AND RECOMMENDATIONS

The Commission recommended the following preliminary drafts (PDs) of legislation to the General Assembly:

- (1) PD 3417 (Rules for the interpretation of trusts)
- (2) PD 3418 (Notice on presumption of death)
- (3) PD 3531 (Uniform disclaimer of property interests act)
- (4) PD 3628 (Uniform custodial trust act), as amended
- (5) PD 3630 (Rule against perpetuities/perpetual trusts)
- (6) PD 3633 (Attestation/self-proving clause), as amended
- (7) PD 3639 (Total return unitrust), as amended

The Commission is not required to file a final report.

The PDs listed above are on file in the Legislative Information Center, Room 230 of State House, Indianapolis, Indiana 46204. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington Street, Suite 301, Indianapolis, Indiana 46204-2789.

Meeting minutes for the Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

